

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRIGHAM AND WOMEN'S HOSPITAL	:	CIVIL ACTION
INC., et al.	:	
	:	
v.	:	
	:	
TEVA PHARMACEUTICALS USA, INC	:	
et al.	:	NO. 08-464

FINAL JUDGMENT

AND NOW, this 16th day of February, 2011, for the reasons set forth in the court's memorandum dated January 7, 2011 and following a telephone conference with counsel, it is hereby ORDERED that:

1. final JUDGMENT is entered in favor of plaintiffs and against defendants with respect to plaintiffs' claims of infringement of Claims 7, 32, 74, and 84 of U.S. Patent No. 6,011,068 ("the '068 patent"); Claims 19, 45, 82, 89, 115, and 145 of U.S. Patent No. 6,031,003 ("the '003 patent"); and Claims 5 and 26 of U.S. Patent No. 6,211,244 ("the '244 patent");

2. final JUDGMENT is entered in favor of plaintiffs and against defendants with respect to defendants' counterclaims for non-infringement, invalidity, and unenforceability of the '068, '003, and '244 patents, and all such counterclaims are DISMISSED with prejudice;

3. pursuant to 35 U.S.C. § 271(e)(4)(B), defendants,

their subsidiaries, affiliates, successors, assigns, and agents are enjoined, until the expiration of the '068, '003, and '244 patents, from the commercial manufacture, use, import, offer for sale, or sale of the generic cinacalcet hydrochloride tablets which are the subject of Abbreviated New Drug Applications ("ANDA") Nos. 90-746 and 90-539. This injunction pursuant to 35 U.S.C. § 271(e)(4)(B) does not prohibit those activities defined as non-infringing under 35 U.S.C. § 271(e)(1);

4. pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval by the United States Food and Drug Administration of defendants' ANDA Nos. 90-476 and 90-539 shall be a date which is not earlier than the expiration date of the '068, '003, and '244 patents.

BY THE COURT:

/s/ Harvey Bartle III
HARVEY BARTLE III C.J.
SITTING BY DESIGNATION